

REMARKS

Reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 1, 3-6, 8, and 12-46 are pending in the application. No claims have been allowed. Claims 1, 8, 13, 19, 21, 32, 41, 45 and 46 are independent. Various claims have been amended for clarification.

Cited Art

U.S. Patent No. 6,192,118 to Bayless et al. ("Bayless") is entitled "Computer Telephone System and Method Having a Graphical User Interface." U.S. Patent No. 6,429,882 to Abdelnur et al. ("Abdelnur") is entitled "User Interface Component."

Patentability of Claims 13-20, 28-31 and 34-36 over Bayless and Abdelnur under § 103(a)

The Action rejects claims 13-20, 29-31 and 34-36 under 35 U.S.C. § 103(a) as unpatentable over Bayless and Abdelnur. (As noted below, claim 28 was rejected under § 102(e), but by virtue of its dependence from claim 13, the patentability of claim 28 is addressed here.) Applicants respectfully submit the claims in their present form are allowable over the cited art.

First, the earliest apparent priority date of the Abdelnur patent (March 15, 1999) is predated by the priority date of this application, which claims priority of U.S. Provisional Patent Application No. 60/098,187, filed on August 26, 1998, and U.S. Provisional Patent Application No. 60/122,975 ("the '975 application"), filed on March 3, 1999.

Support for independent claim 13 (from which claims 14-18 and 28-31 depend) can be found, for example, at page 4, lines 24-30 and page 5, line 28 – page 6, line 6 of the '975 application, and in the "Extensibility" section of the document entitled "Application Software Architecture for Hermes," which was included in the provisional application and appears in the Accompanying Documentation list at page 6 of the specification of the '975 application. Support for independent claim 19 (from which claim 20 depends) can be found, for example, at page 4, lines 24-30 and page 5, line 28 – page 6, line 6 of the '975 application, and in the "Shell Facilities" and "Third Party (ISV) Applications" sections of the "Application Software Architecture for Hermes" document. Support for dependent claim 34 (from which claims 35 and 36 depend) can be found, for example, at page 4, lines 24-30 and page 5, line 28 – page 6, line 6

of the '975 application, and in the "Extensibility" section of the "Application Software Architecture for Hermes" document. Therefore, Abdelnur is not prior art under § 102(e) and cannot be used in a § 103(a) rejection.

Second, even if the Abdelnur patent were prior art, claims 13-20, 29-31 and 34-36 would be still be allowable. To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In addition, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP § 2142.) Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. (See MPEP § 2143.01.)

Claim 13

Claim 13 recites in part, "A method for developing software to run on a telephony device, the method comprising: receiving a software platform for displaying a user interface on a display screen of the telephony device, wherein the software platform exposes a programmatic programming interface operable to provide functionality for customizing the user interface."

Taken together, the Abdelnur and Bayless references do not show "receiving a software platform for displaying a user interface on a display screen of the telephony device, wherein the software platform exposes a programmatic programming interface operable to provide functionality for customizing the user interface," as recited in claim 13. Claim 13 and its dependent claims, 14-18 and 28-31, are allowable over Bayless and Abdelnur, taken separately or in combination.

Claim 19

Claim 19 recites in part "a shell program for controlling display of a user interface on a display screen of the screen phone, wherein the shell program exposes a programmatic programming interface operable to provide functionality for customizing the user interface."

Taken together, the Abdelnur and Bayless references do not show the recited arrangement. Claim 19 and its dependent claim 20 are allowable over Bayless and Abdelnur, taken separately or in combination.

Claims 34-36

Claims 34-36 depend from claim 32. Claim 32 recites in part, “at run time of the user interface, accepting an indication that a new user interface element is to be added to the user interface of the telephony device; and responsive to the accepting, adding the new user interface element to the user interface of the telephony device; wherein the accepting facilitates customization of the user interface of the telephony device at run-time of the user interface.” As explained below, claim 32 is patentable over Bayless. Furthermore, taken together, the Abdelnur and Bayless references still do not show the recited arrangement. Claim 34 and its dependent claim 35 and 36 are allowable over Bayless and Abdelnur, taken separately or in combination.

Patentability of Claims 1, 3-6, 8, 12, 21-28, 32-33 and 37-45 over Bayless under § 102(e)

The Action rejects claims 1, 3-6, 8, 12, 21-28, 32-33 and 37-45 under 35 U.S.C. § 102(e) as being anticipated by Bayless. Applicants respectfully submit the claims in their present form are allowable over the cited art. For a 102(e) rejection to be proper, the cited art must show each and every element as set forth in a claim. (*See* MPEP § 2131.01.) However, the cited art does not so show.

Claims 1, 3-6, 26 and 27

Bayless fails to teach or suggest at least one element of claim 1. As amended, claim 1 recites in part:

a customizable area including at least one user interface element enabling the user to compose email via the telephony device.

[*See, e.g.,* Application at p. 9, line 20 – p. 9, line 27 and Fig. 2.]

Bayless does not teach or suggest a customizable area including at least one user interface element enabling the user to compose email via the telephony device. The Examiner cites several passages of Bayless, but the cited passages do not teach or suggest the claimed arrangement. For example, the Examiner cites column 12, lines 54-65 of Bayless as showing an email service. [*See* Action at p. 3.] At column 12, lines 54-65, Bayless states:

As illustrated, the designer may assign various properties to the object as well as define how the object reacts to an event. Specifically, for each event, the designer may specify one or more actions that should be taken in response to an event in a

user defined order. Events may correspond to systems mentioned above such as the graphical user interface, the telephony system, database system, E-mail system, fax system, video system, and/or voice mail system. Examples of GUI events may include a button being pressed on mouse 64, the mouse pointer being moved, or an object being disabled. Telephony events may include a call being placed on hold, a call arriving, or a call being terminated.

In this passage, Bayless mentions “events” that may correspond to an e-mail system. Elsewhere, Bayless mentions an “E-Mail client service provider” as an example of a client service provider that may be used with a computer telephone system. [See Bayless at col. 8, lines 42-50.]

However, *Bayless does not teach or suggest a user interface element enabling a user to compose email via the telephony device.*

In addition, the Examiner attributes language to claim 1 that does not appear in claim 1. For example, the Examiner mentions the following items not recited in claim 1: a “user input device to select display elements”; a “data/time pane”; a “branding pane”; a “message pane”; and a “task pane.” [See Action at p. 3.] To the extent the Examiner attributes language to the claims that does not appear in the claims, Applicants respectfully submit that the language of the claims speaks for itself.

Because Bayless fails to describe at least one element recited in claim 1, the claim is not subject to a 102(e) rejection over Bayless, and Applicants respectfully request the objection be withdrawn. For at least these reasons, claim 1 and its dependent claims, 3-6, 26 and 27, are allowable over the cited art.

Claims 8 and 12

Bayless fails to teach or suggest at least one element of claim 8. As amended, claim 8 recites in part:

a branding area for displaying a brand graphic, where the branding area is operable to allow a user to connect to an internet location via the telephony device, and where the internet location is associated with the brand graphic.

[See, e.g., Application at page 8, lines 12-21 and Fig. 2.]

Bayless does not teach or suggest a branding area for displaying a brand graphic. In its rejection of claim 8, the Action relies on various passages and figures in Bayless; however, the passages and figures do not teach or suggest the claimed arrangement.

The Examiner cites Figures 30 and 31 of Bayless as showing a “branding pane.” [See Action at p. 3.] Figure 30 shows contact information for a person and Figure 31 shows an import window that may be used to import directory information from other applications. Figures 30 and 31 do not show a branding area or a brand graphic. Bayless is even further from teaching or suggesting “the branding area is operable to allow a user to connect to an internet location via the telephony device, and where the internet location is associated with the brand graphic,” as recited in amended claim 8.

Because Bayless fails to describe at least one element recited in amended claim 8, the claim is not subject to a 102(e) rejection, and Applicants respectfully request the objection be withdrawn. Claim 8 and its dependent claim, 12, are allowable over the cited art.

Claims 21-25

Bayless fails to teach or suggest at least one element of claim 21. Claim 21 recites:
a message area for displaying a visual indicator of fax, e-mail, or answering machine messages.

[See, e.g., Application at page 10, lines 7-12 and Fig. 3.]

Bayless does not teach or suggest a message area for displaying a visual indicator of fax, e-mail, or answering machine messages. The Action relies on various passages and figures in Bayless; however, the passages and figures do not teach or suggest the claimed arrangement.

For example, the Examiner cites Figure 34 of Bayless. Figure 34 shows a “Make & Answer Calls” window, which displays information about various telephone calls. However, no visual indicator of *fax, e-mail, or answering machine messages* is shown in Figure 34. Bayless does not teach or suggest “a visual indicator of fax, e-mail, or answering machine messages.”

Because Bayless fails to describe at least one element recited in claim 21, the claim is not subject to a 102(e) rejection over the reference, and Applicants respectfully request the objection be withdrawn. For at least the above reasons, claim 21 and its dependent claims, 22-25, are allowable over the cited art.

Claim 28

The Examiner indicates that claim 28 was rejected under § 102(e) over Bayless, but does specifically address claim 28 in the Action. Therefore, because claim 28 depends from

independent claim 13, the patentability of claim 28 is addressed below in reference to claim 13, which was rejected (along with its dependent claims) under § 103(a).

Claims 32, 33 and 37-40

Claim 32 recites "at run-time of the user interface, accepting an indication that a new user interface element is to be added to the user interface of the telephony device." As understood by Applicants, Bayless' description accompanying FIGS. 5 & 6 does mention a "GUI object builder" at column 12, line 17. However, as described at column 12, line 16 of Bayless, the windows are used "in the design mode," not "at run-time of the user interface" as claimed.

For at least these reasons, claim 32 and dependent claims 33 and 37-40 are allowable over Bayless under § 102. (The rejection of dependent claim 34-36 under § 103(a) is addressed above).

Claims 41-44

Claim 41 recites "an application programming interface operable to enable customization of the user interface during run-time of the user interface." As understood by Applicants, Bayless' description accompanying FIGS. 5 & 6 does mention a "GUI object builder" at column 12, line 17. However, as described at column 12, line 16, the windows are used "in the design mode," not "at run-time of the user interface" as claimed. Further, the drawings and accompanying text of Bayless do not teach or suggest an *application programming interface* ("API") for customization as claimed.

For at least these reasons, claim 41 and its dependent claims, 42-44, are allowable over Bayless under § 102.

Claim 45

Claim 45 recites "a pane identifier in a function call, wherein the identifier is associated with a new pane to be added to the user interface; and in response to the providing, creating an instance of the new pane in the user interface; wherein the function call calls a function in a programming interface exposed by the shell program, and wherein the programming interface facilitates customization of the user interface." Although Bayless' description accompanying FIGS. 5 & 6 does mention a "GUI object builder" at column 12, line 17, Bayless does not teach

or suggest the claimed arrangement. In particular, Bayless does not teach or suggest a function call that calls a function in a programming interface for facilitating customization as claimed.

For at least these reasons, claim 45 is allowable over Bayless under § 102.

New Claim 46

New claim 46 is allowable over the cited art. Although the Examiner cites certain parts of Bayless as showing an online directory, Bayless does not teach or suggest, “a customizable area including at least one user interface element enabling the user to activate an internet browser application program to access an online directory service,” as recited in claim 46.

Column 19, lines 25-46 of Bayless describes Figure 18, which shows “Customize Directories Toolbar” window, and Figure 19, which shows a flow chart of an example process by which directories may be added or customized. However, Bayless does not show a “user interface element enabling the user to activate an internet browser application program to access an online directory service,” as recited in claim 46.

Request for Follow-Up Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants’ position, thereby enabling the interview to be more focused.


This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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